

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ERWIN BURLEY,

Plaintiff,

VS.

UNKNOWN DEFENDANTS,

Defendant.

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CIVIL ACTION NO. 2:15-CV-143

**NOTICE OF *IN FORMA PAUPERIS* DEFICIENCY
AND ORDER TO COMPLY**

Plaintiff filed this prisoner Civil Rights complaint pursuant to 42 U.S.C. § 1983 on March 3, 2015. (D.E. 1). The U.S. District Clerk notified Plaintiff his pleading was deficient for failure to pay the filing fee or, alternatively, for failing to file an application for leave to proceed *in forma pauperis*. (D.E. 4).


Plaintiff was directed to either pay the filing fee or submit the required *in forma pauperis* documents no later than April 23, 2015, and was warned that failure to comply may result in dismissal for want of prosecution. Fed. R. Civ. P. 41(b). Plaintiff has failed to comply. A district court may dismiss an action for failure to prosecute or to comply with any order of the court. *McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir.1988); Fed. R. Civ. P. 41(b).

Plaintiff can either pay the requisite filing fee or file an application for leave to proceed *in forma pauperis*. A prisoner who is seeking to proceed *in forma pauperis* must also file “a certified copy of the trust fund account statement (or institutional equivalent)

for the prisoner for the 6-month period immediately preceding the filing of the complaint....” along with the application. 28 U.S.C. § 1915(a)(2).

Therefore, Plaintiff is **ORDERED** to either remit the required filing fee or to submit to the Court an application for leave to proceed *in forma pauperis* and a certified copy of his inmate trust fund account statement (or institutional equivalent) for the 6-month period immediately preceding the filing of the complaint on or before **June 8, 2015**. If Plaintiff fails to comply, the Court may dismiss this case for want of prosecution.

ORDERED this 8th day of May, 2015.



Jason B. Libby
United States Magistrate Judge